



# भारत का राजपत्र

## The Gazette of India

ग्रसाधारण

EXTRAORDINARY

भाग II—खण्ड 1

PART II—Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० ७४] नई विल्ली, सोमवार, दिसम्बर २, १९६८/अग्रहयण ११, १८९०

No. 74] NEW DELHI, MONDAY, DECEMBER 2, 1968/AGRAHAYANA 11, 1890

इस भाग में भिन्न पृष्ठ सख्ता दी जाती है जिससे कि यह प्रालग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW

(Legislative Department)

New Delhi, the 2nd December, 1968/Agrahayana 11, 1890 (Saka)

The following Act received the assent of the President on the 2nd December, 1968, and is hereby published for general information:—

### THE CENTRAL INDUSTRIAL SECURITY FORCE ACT, 1968

No. 50 OF 1968

[2nd December, 1968]

An Act to provide for the constitution and regulation of a Force called the Central Industrial Security Force for the better protection and Security of certain industrial undertakings.

BE it enacted by Parliament in the Nineteenth Year of the Republic of India as follows:—

1. (1) This Act may be called the Central Industrial Security Force Act, 1968.

Short title,  
extent  
and com-  
mence-  
ment.

(2) It extends to the whole of India

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. (1) In this Act, unless the context otherwise requires,—

(a) "Force" means the Central Industrial Security Force constituted under section 3;

(b) "industrial undertaking" means any undertaking pertaining to a scheduled industry and includes an undertaking engaged in any other industry, or in any trade, business or service which may be regulated by Parliament by law;

(c) "industrial undertaking in public sector" means an industrial undertaking owned, controlled or managed by—

(i) a Government company as defined in section 617 of the Companies Act, 1956,

(ii) a corporation established by or under a Central, Provincial or State Act, which is controlled or managed by the Government;

(d) "Inspector-General" means the Inspector-General of the Force appointed under section 4;

(e) "Managing Director", in relation to an industrial undertaking, means the person (whether called a managing agent, general manager, manager, chief executive officer or by any other name) who exercises control over the affairs of that undertaking;

(f) "members of the Force" means a person appointed to the Force under this Act, other than a supervisory officer;

(g) "prescribed" means prescribed by rules made under this Act;

(h) "scheduled industry" means any industry engaged in the manufacture or production of the articles mentioned in the First Schedule to the Industries (Development and Regulation) Act, 1951;

(i) "supervisory officer" means any of the officers appointed under section 4 and includes any other officer appointed by the Central Government as a supervisory officer of the Force.

(2) Any reference in this Act to a law which is not in force in the State of Jammu and Kashmir shall, in relation to that State, be construed as a reference to the corresponding law, if any, in force in that State.

1 of 1956.

65 of 1951.

3. (1) There shall be constituted and maintained by the Central Government a Force to be called the Central Industrial Security Force for the better protection and security of Industrial undertakings owned by that Government.

(2) The Force shall be constituted in such manner, shall consist of such number of supervisory officers and members of the Force who shall receive such pay and other remuneration as may be prescribed.

4. (1) The Central Government may appoint a person to be the Inspector-General of the Force and may appoint other persons to be Deputy Inspectors-General, Chief Security Officers or Security Officers of the Force.

(2) The Inspector-General and every other supervisory officer so appointed shall have, and may exercise, such powers and authority as is provided by or under this Act.

5. The appointment of members of the Force shall rest with the Inspector-General who shall exercise that power in accordance with rules made under this Act:

Provided that the power of appointment under this section may also be exercised by such other supervisory officer as the Central Government may by order specify in this behalf.

6. (1) Every member of the Force shall receive on his appointment a certificate in the form specified in the Schedule, under the seal of the Inspector-General or such other supervisory officer as the Inspector-General may specify in this behalf, by virtue of which the person holding such certificate shall be vested with the powers of a member of the Force.

(2) Such certificate shall cease to have effect whenever the person named in it ceases for any reason to be a member of the Force.

7. (1) The superintendence of the Force shall vest in the Central Government, and subject thereto the administration of the Force shall vest in the Inspector-General and shall be carried on by him in accordance with the provisions of this Act and of any rules made thereunder.

(2) Subject to the provisions of sub-section (1), the administration of the Force within such local limits as may be prescribed shall be carried on by a Deputy Inspector-General, Chief Security Officer or Security Officer in accordance with the provisions of this Act and of any rules made thereunder and every supervisory officer placed in

charge of the protection and security of an industrial undertaking shall, subject to any directions that may be given by the Central Government in this behalf, discharge his functions under the general supervision, direction and control of the Managing Director of that undertaking.

Dismissal,  
removal,  
etc., of  
members

of the  
Force.

8. Subject to the provisions of article 311 of the Constitution and to such rules as the Central Government may make under this Act, any supervisory officer may—

(i) dismiss, suspend or reduce in rank any member of the Force whom he thinks remiss or negligent in the discharge of his duty, or unfit for the same; or

(ii) award any one or more of the following punishments to any member of the Force who discharges his duty in a careless or negligent manner, or who by any act of his own renders himself unfit for the discharge thereof, namely:—

(a) fine to any amount not exceeding seven days' pay or reduction in pay scale;

(b) drill, extra guard, fatigue or other duty;

(c) removal from any office of distinction or deprivation of any special emolument.

Appeal  
and  
revision.

9. (1) Any member of the Force aggrieved by an order made under section 8 may, within thirty days from the date on which the order is communicated to him, prefer an appeal against the order to such authority as may be prescribed, and subject to the provisions of sub-section (3), the decision of the said authority thereon shall be final:

Provided that the prescribed authority may entertain the appeal after the expiry of the said period of thirty days, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) In disposing of an appeal, the prescribed authority shall follow such procedure as may be prescribed.

(3) The Central Government may call for and examine the record of any proceeding under section 8 or under sub-section (2) of this section and may make such inquiry or cause such inquiry to be made and subject to the provisions of this Act, may pass such order thereon as it thinks fit:

Provided that no order imposing an enhanced penalty under sub-section (2) or sub-section (3) shall be made unless a reasonable opportunity of being heard has been given to the person affected by such order.

10. It shall be the duty of every supervisory officer and member of the Force—

Duties of  
members  
of the  
Force.

(a) promptly to obey and execute all orders lawfully issued to him by his superior authority;

(b) to protect and safeguard the industrial undertakings owned by the Central Government together with such other installations as are specified by that Government to be vital for the carrying on of work in those undertakings, situate within the local limits of his jurisdiction;

Provided that before any installation not owned or controlled by the Central Government is so specified, the Central Government shall obtain the consent of the Government of the State in which such installation is situate;

(c) to protect and safeguard such other industrial undertakings and installations for the protection and security of which he is deputed under section 14;

(d) to do any other act conducive to the better protection and security of the industrial undertakings referred to in clauses (b) and (c).

11. (1) Any supervisory officer or member of the Force may, without any order from a Magistrate and without a warrant, arrest any person who has been concerned in, or against whom a reasonable suspicion exists of his having been concerned in, or who is found taking precautions to conceal his presence under circumstances which afford reason to believe that he is taking such precautions with a view to committing, a cognizable offence relating to,—

Power to  
arrest  
without  
warrant.

(i) the property belonging to any industrial undertaking, or

(ii) the other installations,

referred to in clauses (b) and (c) of section 10.

(2) If any person is found trespassing on the premises of any industrial undertaking referred to in clauses (b) and (c) of section 10, he may, without prejudice to any other proceedings which may be taken against him, be removed from such premises by any supervisory officer or member of the Force.

Power to search without warrant.

**12.** (1) Whenever any supervisory officer, or any member of the Force, not below the prescribed rank, has reason to believe that any such offence as is referred to in section 11 has been or is being committed and that a search warrant cannot be obtained without affording the offender an opportunity of escaping or of concealing evidence of the offence, he may detain the offender and search his person and belongings forthwith and, if he thinks proper, arrest any person whom he has reason to believe to have committed the offence.

(2) The provisions of the Code of Criminal Procedure, 1898, <sup>5 of 1898</sup> relating to searches under that Code shall, so far as may be, apply to searches under this section.

Procedure to be followed after arrest.

**13.** Any supervisory officer or member of the Force making an arrest under this Act, shall, without unnecessary delay, make over the person so arrested to a police officer, or, in the absence of a police officer, take such person or cause him to be taken to the nearest police station together with a report of the circumstances occasioning the arrest.

Deputation of the Force to industrial undertakings in public sector.

**14.** (1) Subject to any general directions which may be issued by the Central Government, it shall be lawful for the Inspector-General, on a request received in this behalf from the Managing Director concerned of an industrial undertaking in public sector, showing the necessity thereof, to depute such number of supervisory officers and members of the Force as the Inspector-General may consider necessary for the protection and security of that industrial undertaking and any installations attached thereto and the officers and members of the Force so deputed shall be at the charge of the Managing Director:

Provided that in the case of an undertaking, owned, controlled or managed,—

(i) by a Government company of which the Central Government is not a member;

(ii) by a corporation established by or under a Provincial or State Act,

no such request shall be entertained unless it is made with the consent of the Government of the State in which the undertaking is situate

(2) If the Inspector-General is of the opinion that circumstances necessitating the deputation of the officers and members of the Force in relation to an industrial undertaking under sub-section (1) have ceased to exist, or for any other reason it is necessary so to do, he may, after informing the Managing Director of that industrial

undertaking, withdraw the officers and members of the Force so deputed:

Provided that the Managing Director may, on giving one month's notice in writing to the Inspector-General require that the officers and members of the Force so deputed shall be withdrawn, and the Managing Director shall be relieved from the charge from the date of expiration of such notice or from any earlier date on which the Force is so withdrawn.

(3) Every officer and member of the Force, while discharging his functions during the period of deputation, shall continue to exercise the same powers and be subject to the same responsibilities, discipline and penalties as would have been applicable to him under this Act, if he had been discharging those functions in relation to an industrial undertaking owned by the Central Government.

**15.** (1) Every supervisory officer and member of the Force shall, for the purpose of this Act, be considered to be always on duty, and shall, at any time, be liable to be employed at any place within India.

(2) Save as provided in section 14, no supervisory officer or member of the Force shall engage himself in any employment or office other than his duties under this Act.

**16.** A member of the Force shall not by reason of his suspension from office cease to be a member of the Force; and he shall, during that period, be subject to the same responsibilities, discipline and penalties to which he would have been subject if he were on duty.

Officers and members of the Force to be considered always on duty and liable to be employed anywhere in India.

Responsibilities of members of the Force during suspension.

**17.** (1) Every person who for any reason ceases to be a member of the Force, shall forthwith surrender to any supervisory officer empowered to receive the same, his certificate of appointment, the arms, accoutrements, clothing and other articles which have been furnished to him for the performance of duties as a member of the Force.

(2) Any person who wilfully neglects or refuses to surrender his certificate of appointment or the arms, accoutrements, clothing and other articles furnished to him, as required by sub-section (1), shall, on conviction, be punished with imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both.

Surrender of certificate, arms, etc., by persons ceasing to be members of the Force.

(3) Nothing in this section shall be deemed to apply to any article which, under the orders of the Inspector-General, has become the property of the person to whom the same was furnished.

Penalties  
for neglect  
of duty,  
etc.

18. (1) Without prejudice to the provisions contained in section 8, every member of the Force who shall be guilty of any violation of duty or wilful breach or neglect of any rule or regulation or lawful order made by a supervisory officer, or who shall withdraw from the duties of his office without permission, or who, being absent on leave, fails, without reasonable cause, to report himself for duty on the expiration of the leave, or who engages himself without authority in any employment other than his duty as a member of the Force, or who shall be guilty of cowardice, shall, on conviction, be punished with imprisonment for a term which may extend to six months.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1898, an offence punishable under this section shall be cognizable.

5 of

(3) Nothing contained in this section shall be construed to prevent any member of the Force from being prosecuted under any other law for any offence made punishable by that law, or for being liable under any such law to any other or higher penalty or punishment than is provided for such offence by this section:

Provided that no person shall be punished twice for the same offence.

Application of  
Act 22 of  
1922 to  
officers  
and mem-  
bers of  
the Force.

19. The Police (Incitement to Disaffection) Act, 1922, shall apply to supervisory officers and members of the Force as it applies to members of a police force.

Certain  
Acts not  
to apply  
to  
members  
of the  
Force.

20. Nothing contained in the Payment of Wages Act, 1936, or the Industrial Disputes Act, 1947, or the Factories Act, 1948, or any corresponding law relating to investigation and settlement of industrial disputes in force in a State shall apply to members of the Force.

Protection  
of acts of  
officers  
and mem-  
bers of  
the Force.

21. (1) In any suit or proceeding against any supervisory officer or member of the Force for any act done by him in the discharge of his duties, it shall be lawful for him to plead that such act was done by him under the orders of a competent authority.

(2) Any such plea may be proved by the production of the order directing the act, and if it is so proved, the supervisory officer or

4 of 1936.  
14 of 1947.  
63 of 1948.

member of the Force shall thereupon be discharged from any liability in respect of the act so done by him, notwithstanding any defect in the jurisdiction of the authority which issued such order.

(3) Notwithstanding anything contained in any other law for the time being in force, any legal proceeding, whether civil or criminal, which may lawfully be brought against any supervisory officer or member of the Force for anything done or intended to be done under the powers conferred by, or in pursuance of, any provision of this Act or the rules thereunder shall be commenced within three months after the act complained of shall have been committed and not otherwise; and notice in writing of such proceeding and of the cause thereof shall be given to the person concerned and his supervisory officer at least one month before the commencement of such proceeding.

22. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to  
make  
rules.

(2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for—

(a) regulating the classes, ranks, grades, pay and remuneration of supervisory officers and members of the Force and their conditions of service in the Force;

(b) regulating the powers and duties of supervisory officers and members of the Force authorised to exercise any functions by or under this Act;

(c) fixing the period of service for supervisory officers and members of the Force;

(d) prescribing the description and quantity of arms, accoutrements, clothing and other necessary articles to be furnished to the members of the Force;

(e) prescribing the places of residence of members of the Force;

(f) institution, management and regulation of any fund for any purpose connected with the administration of the Force;

(g) regulating the punishments and prescribing authorities to whom appeals shall be preferred from orders of punishment, or remission of fines or other punishments, and the procedure to be followed for the disposal of such appeals;

(h) the terms and conditions subject to which supervisory officers and members of the Force may be deputed under section 14 and the charges therefor; and

(i) any other matter which has to be, or may be, prescribed.

(2) Every rule made under this section shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days, which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule, or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

---

#### THE SCHEDULE

(See section 6)

A.B. has been appointed a member of the Central Industrial Security Force under the Central Industrial Security Force Act, 1968, and is vested with the powers, functions and privileges of a member of the Force.

---

V. N. BHATIA,  
Secy. to the Govt. of India.